

**Testimony in SUPPORT of**  
**SB 117 (Montana Coordination Act of 2011)**  
**Presented to the Montana Senate**  
**Local Government Committee**  
**Jan. 17, 2011**

Senate Local Govt. Comm.  
Exhibit No. 23  
1-17-2011  
Bill No. SB 117

Mr. Chairman and members of the committee  
Good afternoon.  
My name is Ron Olfert.  
I am testifying in SUPPORT of SB117.

### **Jobs and the Economy**

Jobs & the economy are uppermost on the minds and agendas of members of this legislature and the general public. This bill is a positive Jobs and Economy bill. The Act it creates will do more to recover lost jobs in the natural resource industries, such as timber harvest, mining and others than any other program. Coordination is a proven concept and federal mandate.

### **Framework and guidance for coordination for local governments**

Local government needs guidance and a framework from which to use the coordination principles and process. This Act provides that framework but also allows flexibility in the details of implementation.

Specific methods and operational rules are not spelled out in this Act because the mechanics of how coordination is to be implemented are not written in federal law. It simply requires that local government use whatever lawful means necessary to bring federal agencies to the table and incorporate local policies into their planning decisions.

### **Special Interests Checked**

Special interests will no longer have unchecked, undue influence on the federal land managers. The people, through their elected local government officials, will have a meaningful say.

### **Basis for Coordination**

Congress has recognized that local citizens should have a strong influence in policies, plans and activities of federal agencies. That is why they embedded the coordination mandate into many federal Acts, starting with the Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA).

## **Threat of Lawsuits**

Over the past 18 years experience has shown that the threat of lawsuits is diminished, not increased, by the use of coordination. Red herring arguments that local government will be subject to more legal challenges are not supported by historical fact nor common sense logic. What grounds for lawsuit could there be from the simple process of government-to-government (local government to federal government) meetings and information exchange with the purpose of negotiating decisions? There are none.

## **Supremacy**

This Act does not create a supremacy dilemma between local and federal governments. The legally defensible roles of each level of government are not brought into question in the proper implementation of the coordination process.

## **Discretionary Actions**

What this bill and Act addresses are the 90% of decisions and plans of the federal agencies that are discretionary. For example, there is no law that says Road No. x in a National Forest must be closed, even if it is included in a written plan, policy or Environmental Impact Statement. Plans, policies and statements are not law, a conclusion established by court decisions in the past.

Local government can and should have a meaningful say in these discretionary decisions. The established law giving a county the right to declare and prove that a road is an "RS2477 road" and therefore is a road that cannot be legally closed, is an example of a county's right to stop road closures by federal agencies.

Road (travel) management is just one of an endless number of issues that can be effectively addresses to give local citizens a say in federal management decisions. Fire management decisions, wildlife, predator control, weed control, timber sales, watershed management, endangered species listings are some of these other issues.

For further explanations of coordination please refer to the Report submitted by Senator Greg Hinkle

Please vote FOR SB117.

Thank you

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